

# ספירימ

## WINE TASTING

A certified restaurant will be hosting a wine tasting party at which they will serve samples of many wines including some which are not *mevushal*.<sup>1</sup> Non-*mevushal* wine becomes non-kosher if it is touched, moved or poured by a non-Jew,<sup>2</sup> and in order to prevent such an occurrence (and to avoid having to let certain people pour wine but not others), the only people who will be allowed to pour wine at this event will be cRc *Mashgichim*.

There are, however, other concerns which stem from the fact that as the non-Jew drinks from his glass of non-*mevushal* wine, he renders that drink non-kosher. If he leaves some of this non-kosher wine in his glass, there are two possible ways this might affect other items in the restaurant, as follows:

- If the wine goes into the dishwasher or sink used to wash kosher dishes, the *ta'am* of the non-kosher wine might affect the status of those dishes.
- If the *Mashgiach* refills the non-Jew's cup, the kosher wine in the bottle will become non-kosher, as per the halacha of *nitzuk chibur* outlined below.

To avoid these concerns, the following measures will be taken at the wine tasting event:

- All glasses will be rinsed out at ambient temperature before they are washed.
- Wine will not be poured into cups which have already been used (i.e. there will be no refills).
- *Mashgichim* will pre-fill all of the sample cups before attendees ask for a drink, such that the guests can take drinks by themselves and will have no reason to approach the *Mashgiach* for a drink.

<sup>1</sup> As a matter of policy, all wines served in cRc facilities must be *mevushal* so as to avoid mishaps, but in this case special permission was granted to serve non-*mevushal* wine at the event, which will be staffed with extra *Mashgichim* who have been particularly sensitized to oversee the *kashrus* of the wine.

<sup>2</sup> The question of whether a non-religious Jew's contact with non-*mevushal* wine renders it non-kosher (in general and as relates to those who were unfortunately raised in a non-religious environment), is beyond the scope of this document, and therefore this article will only discuss this matter in terms of non-Jews.

## Nitzuk Chibur

If there is kosher wine<sup>3</sup> in a bottle, for example, and non-kosher wine in a cup, and someone pours wine from the bottle into the cup, the liquid connection between the bottle and cup forces us to consider the situation as if the wine in the bottle and cup are thoroughly mixed together.<sup>4</sup> Therefore, even if the person stops pouring the wine, the wine that remains in the bottle is viewed as being a mixture of kosher and non-kosher wine (and forbidden) even though there is physically no non-kosher wine mixed in the bottle.<sup>5</sup>

This halacha, known as *nitzuk chibur* (lit. "pouring establishes a connection") is specific to wine which is *assur b'hana'ah*.<sup>6</sup> One might therefore think that *nitzuk chibur* would not apply nowadays to *stam yayin* because (many hold that) wine is not *assur b'hana'ah*. *Shach* 126:9 raises this point and rejects it, ruling that *nitzuk chibur* does apply even to *stam yayin* nowadays, and this opinion is accepted by *Chochmas Adam* and *Chazon Ish*.<sup>7</sup>

Accordingly, if a non-Jew drinks from a glass of non-*mevushal* wine that wine is forbidden as *stam yayin*, and if someone pours kosher wine into the residue of that drink, the residue is considered to have been mixed into the bottle of wine. [If this inadvertently occurred and the bottle has 60 times the volume of the non-kosher wine residue, the non-kosher wine would be *batel* and the bottle of wine would be permitted *b'dieved*.]<sup>8</sup>



## BACKUP HAFRASHAS CHALLAH

All cRc food service establishments are required to have a religious Jew separating *challah* from every batter of dough as it is kneaded. In some cases, it is appropriate to setup the following "backup system" to guarantee that no food is

<sup>3</sup> *Nitzuk* only applies if (kosher) wine is poured in and does not apply to other liquids (*Chochmas Adam* 77:5, and see also *Darchoi Teshuvah* 126:1). See also below in footnote 6.

<sup>4</sup> *Shulchan Aruch* YD 126:1 (and see also *Rema* 126:5).

<sup>5</sup> *Shulchan Aruch* *ibid*.

<sup>6</sup> *Shulchan Aruch* 126:1. The possible application of a form of *nitzuk chibur* to *issur v'heter* and *chametz* is discussed at the end of *Rema* YD 105:3 and in the later *Poskim*, and is beyond the scope of this document.

<sup>7</sup> *Chochmas Adam* 77:8 & 10 and (the underlying assumption of) *Chazon Ish* YD 50:8. See also *Darchoi Teshuvah* 126:2 & 16.

<sup>8</sup> *Rema* 126:5. Furthermore, in cases of *hafsed merubah*, the kosher wine retains its kosher status even if the *stam yayin* is not *batel b'shishim* (*Shulchan Aruch* 126:2).



*inadvertently sold without hafrashas challah due to an unforeseen situation. Brief explanations or sources for specific items are given in the footnotes.*

## Glossary of Terms Used in This Article

### Tevel dough

A batter containing at least 5 pounds of Jewish-owned flour, from which *challah* was never separated. Typically, the *tevel* dough is made of wheat flour, but if the backup system will be used for other grains, then 5 pounds of each of those grains should be included in the *tevel* dough.

### Establishment

The bakery, restaurant, or other food service establishment for which the backup *hafrashas challah* system is being implemented.

### Designated *Mashgiach*

The cRc representative who will recite the daily *hafrashah* for the establishment.

## Setup

1. The owner of the *tevel* dough should transfer ownership of it to the designated *Mashgiach*.<sup>9</sup>
2. The *tevel* dough should be brought to the establishment and the owner of the establishment should give permission to the designated *Mashgiach* to perform *hafrashas challah* for him in the future.
3. A fresh batter should be kneaded at the establishment, and *challah* should not be separated from the batter. Rather, the designated *Mashgiach* should make a *hafrashah* on the batter from the *tevel* dough using the following wording said while holding the *tevel* dough:

*A gram from the top of the tevel dough I am holding in my hand is hereby designated as challah for the batter of dough previously kneaded at this establishment from which challah was not separated.*

*Henceforth, 30 minutes after<sup>10</sup> any batter of dough is kneaded at this establishment, a gram of this tevel dough located next to the previously designated piece, should be designated as challah for that new batter. In the case of a belliah rakah batter,<sup>11</sup> the aforementioned hafrashah should take place 30 minutes after baking instead of 30 minutes after kneading. This system of continual hafrashah should remain in effect until I verbally cancel it or recite a renewed system of continual hafrashah.*

<sup>9</sup> Transferring ownership of the *tevel* dough to the designated *Mashgiach* avoids the concern of **מאדום זכין מאדום** raised by *Taz* YD 328:2 and *Ketzos HaChoshen* 243:8.

<sup>10</sup> The 30 minute lag gives the on-site *Mashgiach* time to perform *hafrashas challah* with a *bracha* before the backup takes affect.

<sup>11</sup> "Belliah rakah" refers to a pourable batter such as that used in sponge cake, as distinguished from a *belliah avah*/thick batter such as is used to create bread. One must be *mafrish challah* from a *belliah rakah* which contains a *shiur challah*, (*Shulchan Aruch* 329:2) and it is preferable that the *hafrashah* be done after the batter is baked (*Shach* 329:4; there is discussion as to whether *Shulchan Aruch* 329:3 disagrees).

4. The *tevel* dough should be placed into a freezer (or refrigerator) at the establishment, and that freezer should preferably be located in the room where kneading will occur.<sup>12</sup>

## Daily hafrashah

5. Approximately once a day, the designated *Mashgiach* should renew the *hafrashah* by reciting the second paragraph of the wording noted above, substituting the name of the establishment (e.g. "ABC Bakery") for the words "this establishment" in the first sentence.

## Maintenance

6. The *tevel* dough must be replaced when it spoils, after *Pesach*, or once all the grams of *tevel* have been used for *hafrashas challah*. Thus, a 500 gram *tevel* dough must be replaced if (a) it is found to have spoiled, (b) if it was thrown out for *Pesach*, or (c) after 500 batters have been kneaded at the establishment.
7. Additionally, the *tevel* and batter must both be from grains that have grown in the same (Jewish) year. Therefore, for example, a *tevel* dough of rye flour produced in May 5769 is made from rye grown in 5768, and would have to be replaced in the summer of 5769 when the 5769 crop of rye starts arriving at the establishment. That date changes based on the grain, and the size and location of the establishment,<sup>13</sup> and it is the responsibility of the designated *Mashgiach* to know when the "new" crop arrives.



## SPICE BLENDS

Most individual spices do not require *hashgachah*, but many spice blends consist of more than just a few spices mixed together; therefore, the general rule is that spice blends require certification or at least a good spec-sheet which clarifies the ingredients used in creating the blend. The following are some examples of blends which are popular in India and elsewhere in the Far East:<sup>14</sup>

<sup>12</sup> Having the batter and *tevel* dough in separate *keilim* that are in the same room satisfies the requirement for *mukaf* according to *Shulchan Aruch* 325:2, *Rema* 326:1 and *Shach* 324:19. [The batter and *tevel* dough must be *mukaf*, but the designated *Mashgiach* may be located elsewhere].

<sup>13</sup> In speaking to experts in agriculture and *kashrus*, it appears that in theory winter wheat will first come to market in approximately June of each year, oats in July and spring wheat in August, but these dates fluctuate based on market conditions (i.e. farmers selling quicker or slower to get the best price), location (how close the establishment is to the mills) and size of the establishment (with larger establishments receiving shipments earlier). As such, it is impossible to give firm dates for any crop, and the designated *Mashgiach* must take responsibility for this.

<sup>14</sup> A good source of information on spices and spice blends is the Encyclopedia of Spices which can be found at <http://www.theepicentre.com/Spices/spiceref.html#>. A good amount of the information presented in this document is from that website.

- Chinese Five Spice does not refer to a specific blend of spices but rather to a blend of one spice from each of the 5 types of taste,<sup>15</sup> and could potentially contain more than just spices.
- Garam Masala may have non-spices such as vinegar added in and is not Group 1.
- Gumbo File (pronounced Gumbo Fee-Lay) is actually just ground sassafras leaves<sup>16</sup> which are used for spicing Gumbo soup. Gumbo File is Group 1 (but Gumbo soup is surely not).
- Herbs de Provence appears to be a simple spice blend which is Group 1, if it is made from dried herbs as opposed to fresh ones (which may be infested with bugs).
- Mulling Spices is another blend which has no specific recipe but is rather different herbs, fruit essences and other ingredients which are blended to create a juice-spicer. It is not Group 1.
- Panch Phoron, a.k.a. Bengali Five Spice, is always made from the seeds of nigella, mustard, fenugreek, fennel and cumin (although there are occasional minor variations) and is Group 1.
- Ras el Hanout does not refer to a specific blend of spices but rather to a mixture of any/all good spices which the merchant has in stock. The fact that there is no firm "recipe" for this blend means that it must bear kosher certification.
- Tandoori Masala is a spice blend which is typically made of innocuous ingredients, but some recipes<sup>17</sup> call for food coloring; therefore this blend requires *hashgachah*.



## MUSHROOMS

Button, Oyster, Padi Straw and Shitake mushrooms are commonly eaten raw and therefore do not require *bishul Yisroel*.<sup>18</sup> The status of Chanterelles (Golden), Cloud Ear, Mixed Wild, Morels, Porcini, Portobello and Wood Ear mushrooms is more complicated, as it appears that vegetarians and

<sup>15</sup> I.e. sweet, sour, bitter, salty and umami.

<sup>16</sup> *Sassafras Albidum*.

<sup>17</sup> See for example <http://www.indianfoodforever.com/masala/tandoori-masala.html> and <http://indianfood.about.com/od/masalarecipes/r/tandoorimasala.htm>.

<sup>18</sup> Some health officials caution that all mushrooms, including button mushrooms, must be cooked before eating in order to render them digestible. One such expert wrote the following in response to my query:

With the possible exception of truffles, no mushrooms should be consumed raw - and that most definitely includes the ubiquitous sliced *Agaricus* found in salad bars. The cell walls of fungi contain Chitin which is indigestible - for this and other reasons (heat labile toxins in some species) cooking is important for all mushrooms. Note: Some mushrooms are toxic even after cooking so not all mushroom toxins are destroyed by cooking. Cooked mushrooms can be exceptionally nutritious but raw mushrooms actually block nutrient uptake.

I do not know enough to discuss the veracity of this statement, but it would appear to be moot as relates to our discussion, since the common practice of not cooking them renders them "edible raw" for *bishul Yisroel* purposes.

others who are used to eating mushrooms will eat these raw, but those who are not used to these varieties prefer the cooked taste.

At first glance it would appear that since eating these mushrooms cooked is merely a matter of preference, as opposed to other foods where the raw version is completely inedible, the mushrooms should not require *bishul Yisroel*, based on *Shach* 113:19. This view would be supported by the presence of a noticeable minority of people (i.e. vegetarians) who in fact eat these raw. On the other hand, it may be that as relates to these issues the vegetarians and non-vegetarians are viewed as belonging to different "communities", in which the former considers it edible raw and the latter does not. This question requires further consideration.

Another mushroom question which must be investigated is whether some or all of these varieties are infested with bugs, and how they should be cleaned or checked.

As an ingredient, dehydrated mushrooms are free from *bishul akum* concerns because they are typically not cooked before (or during) the dehydration process and are essentially sold raw with the end user taking responsibility for cooking them. As such, the *Rav HaMachshir* at the plant cooking the dehydrated mushrooms would have to decide whether they are considered edible raw (and exempt from *bishul Yisroel*) or not. [As with other items, dehydration of mushrooms dries any bugs that might have been present, rendering them not-forbidden.]



## SHRINK TUNNEL

Shrink-wrapping is a process where food (or another item) is sealed in a thin plastic film after which the plastic is heated until it shrinks to the point that it fits snugly around the food. This process helps preserve freshness, is attractive, is hygienic, and allows closer inspection of the quality of the packaged food item,<sup>19</sup> and is commonly used for meat, poultry and cheese. It is also reasonably common for these foods to be processed in plants which also handle non-kosher food, and this raises a question as to if and how the shrink-wrapping equipment, known as a shrink tunnel, should be *kashered* before kosher products are packaged. We will begin our discussion with a brief description of some relevant details of the process.

There are two basic ways to shrink the plastic, i.e. either hot air or steam can be blown onto the

<sup>19</sup> Quoted from US Patent # 7,439,306 available at <http://patft.uspto.gov/>.

packaged food, or it can be submerged into hot water (with or without hot water being sprayed onto the top of the package). In the first method, the heat is 350-500° F which makes it more effective than the latter method, where the water is usually only 180-200° F. On the other hand, the latter method is often preferred because the lower temperature is less likely to affect the freshness (or rawness) of the food.<sup>20</sup> In either case, the food usually sits on a belt as it passes through the heat for 1-3 seconds, but in one cRc company they manually dunk each 25-pound wheel of cheese into the hot water.

We contacted a number of manufacturers to find out what temperature the plastic must reach in order for it to shrink, but were unable to get any type of definitive answer. Our own tests in two different facilities which use hot water showed that even with the water at 190° F, the belt and the (outside of the) shrink-wrap did not get hotter than 110° F and 70° F respectively. These findings are not unexpected when one considers the temperature of the meat and cheese before shrink-wrapping, and the very brief amount of time the packages stay in the water.

The fact that the meat and cheese never reach *yad soledes bo*, gives strong basis for assuming that no *b'lios* pass through the plastic and into the water (or vice versa from the water into the kosher food).<sup>21</sup> However, as a matter of policy, most *hashgachos* do not rely on this line of reasoning, and do, in fact, require the equipment to be *kashered*, which involves the following steps for a shrink-wrap system that uses hot water:

- Drain the water reservoir.
- Leave the equipment unused/idle for 24 hours.<sup>22</sup>

<sup>20</sup> In fact, US Patents # 5,699,650 and 7,439,306 (cited above) are for effective methods of shrink-wrapping with low temperatures that do not "cook" the food.

<sup>21</sup> See *Shach* 105:5 and *Pri Megadim* ad loc., who assume that even if *b'lios* occur when food is on the fire (as in our case where the water bath is a heated tank), those *b'lios* are not absorbed more than a *k'dei klipah*, which in our case means that they cannot penetrate the *klipah*-thick plastic. It is however noteworthy that in the un-automated case of cheese put into the water by hand, it is possible that a given wheel of cheese will remain in the water for longer and parts of it will be heated above *yad soledes bo*.

In shrink-wrapping, the plastic is sealed around the food such that there is no leakage of actual product into the water. Nonetheless, there is often a layer of grease floating on the top of the water, and that grease is believed to come from the outside of the packaging (due to grease on the employees hands/gloves) or from splattering from equipment in the plant. The layer of grease is, of course, hotter than *yad soledes bo*, but (a) is miniscule enough to be *batei b'shishim* in the water and (b) even if the water is non-kosher and *yad soledes bo*, the low temperature of the kosher food should prevent it from absorbing *b'lios*, as noted above. In spite of these logical arguments, the concern of non-kosher grease in the water is one reason for the policy of most *hashgachos* to require *kashering* of this equipment (as noted in the coming text).

<sup>22</sup> In appropriate circumstances, one may rely on *pegimah* of the equipment (at *kashering* temperatures) instead of leaving the equipment idle for 24 hours (and follow that with a fresh-water *kashering*). An example of such a case is a Jewish-owned cRc company which is charged \$50 per minute to use a non-kosher meat packaging facility, such that waiting for the shrink-wrap machine to be *aino ben yomo* would lead to a huge financial loss.

Some who are forced to rely on *kashering via pegimah* take an added precaution and leave *davar hapogem* in the water during production of kosher food, such that any leftover *b'lios* cannot possibly affect the kosher food.

- Refill the reservoir, and bring the water to a boil.
- Turn on the belt, and allow it to make a few revolutions through the water (such that it gets heated to at least the temperature it reaches during production).

The *minhag* is that the water used for *hag'alah* may not be used in kosher food, because doing so would give the impression that the person desires the non-kosher *b'lios* that were purged by the *hag'alah* water.<sup>23</sup> It is therefore proper that after *kashering* the reservoir and belt, the *hag'alah* water should be drain, and replaced with fresh water before kosher food is processed. However, in cases where it takes a long time to heat that water, the desire to use that water for kosher food is clearly just a way of saving time, and is therefore not forbidden by the *minhag*.<sup>24</sup>

It is also noteworthy that certain types of plastic used in shrink-wrapping are coated on the inside with cornstarch, such that for *Pesach* it is proper to either use film that does not have starch or use the specially-produced plastic which is coated with tapioca starch (and certified as such by the Kof-K).



## PAS/BISHUL YISROEL

PART 1

First in a series based on the cRc weekly kashrus shiur

### סימן קי"ב סעיף א'

אסרו חכמים פת של עממים עובדי כוכבים משום חתנות, ואפילו במקום דליכא משום חתנות אסור ולא אסרו אלא פת של חמשת מיני דגן, אבל פת של קטניות ושל אורז ודוחן אינו בכלל פת סתם שאסרו, וגם אינו אסור משום בישולי עובדי כוכבים אם אינו עולה על שולחן מלכים.

## IRRELIGIOUS JEW

### חתנות

א) *Tur* says that the *issurim* described in the coming *simanim*, i.e. *pas akum*, *bishul akum*, and drinking together with non-Jews, are *takanos* made up by *Chazal* to prevent intermarriage, since these practices (eating their bread or food, and drinking with them) are מושכין לב האדם ואם יתקרב אליהם באחד מאלו יבא להתחתן בהם.

- This is repeated by *Shulchan Aruch* and everyone else, and we are going to take it at face value even though *Gemara*, *Avodah Zara* 36b appears to say that *pas akum* is forbidden because it will lead to *yichud* with non-Jews which will in turn lead you to do *Avodah Zara*.

<sup>23</sup> See, for example, *Shulchan Aruch* YD 135:12.

<sup>24</sup> In addition, the *minhag* is stated as relates to using the *hag'alah* water in kosher food, and it isn't clear that it even applies to cases such as ours where the *hag'alah* water will be used to heat the outside of a package of kosher food and will not actually be mixed into the food.

For more on that see *Chelkas Binyamin* s.v. *mishum chasnus*.

- One might think that other reading is implied in the words of *Shulchan Aruch* who says "...bread of other nations who are עובדי כוכבים". In fact *Shach* 112:2 directs you to see the beginning of YD 123 and *Shach* 124:12, where the fact that non-Jews do not truly do *Avodah Zara* is taken into consideration for the halachos of *stam yayin* (that they are no longer *assur b'hana'ah*), and *Avnei Nezer* (YD 92:1) seems to understand that he means to say that such people's bread would be permitted.
- However, *Pri Megadim* (on that *Shach*) makes it clear that the bread of non-Jews who do not serve *Avodah Zara* (קראים and כותים) is forbidden, and he cites *Poskim* who share this opinion (and *Avnei Nezer* also disagrees with *Shach*).
- So, as noted, we will take things at face value, i.e. that the *issur* is because of *chasnus*.

ב) Although the *issur* is because of *chasnus*, *Rema* says that it applies even in cases where there is no concern of *chasnus*. What are cases where there is no concern of *chasnus*?

- The *Poskim* come up with all types of cases including: a non-Jew who happens to have no children (*Taz* 112:1), is single, a celibate priest who has no children as a matter of principle (*Shach* 112:4), a prince who would never marry a Jew (*Pri Megadim* MZ 112:1), as well as other cases.
- If, in fact, the *gezairah* is because of *chasnus*, why is the food forbidden in cases like this where there is no concern of *chasnus*?
  - *Shach* says that it is because "if this non-Jew does not have a daughter another one might", which implies that it is like an extension of the *gezairah* to say that it applies even in these types of cases.
  - *Taz* says (the more popular reason, which may in fact be exactly what *Shach* means) that it is a *lo plug*, i.e. once *Chazal* forbade *pas akum* they forbid it in all cases even if the reason happens to not apply.
  - This leads us to our main topic.

## מומר

- א) What if the person who cooked the food was a *mumar*? Why should or should it not be forbidden? For many halachos, we treat a *mumar* as an *akum*, so the food he cooks, the bread he bakes and the wine he touches should be forbidden.
- ד) However, *Pischei Teshuvah* 112:1 cites *Sefer Tifferes L'Moshe* 113:9 as saying that since the whole *gezairah* is because of *chasnus* and you are

permitted to marry the daughter of a *mumar*, his food is not forbidden!

- Actually, *Tifferes L'Moshe* says a bit more, as follows: He says that the *Gemara* brings two reasons to forbid *bishul akum*, namely (a) *chasnus* and (b) he might mix in non-kosher food. The difference between the reasons is the case of a *mumar*; according to the first reason, a *mumar's* cooking or baking would be permitted, but according to the second reason it would be forbidden.
  - If so, he says that *pas akum* is only forbidden for the first reason, and therefore the *pas* of a *mumar* is permitted, but *bishul akum* is forbidden for both reasons and therefore the *bishul* of a *mumar* is forbidden.
  - This "split decision" is recorded in two *Pischei Teshuvah's*. Here (112:1) he cites *Tifferes L'Moshe* as saying that the *pas* of a *mumar* is permitted, and in 113:1 he cites *Tifferes L'Moshe* that the *bishul* of a *mumar* is forbidden.
- ה) The reason to argue on *Tifferes L'Moshe* is obvious, is what we noted earlier – the concept of לא פלוג. The reason *Chazal* forbade bread baked by a non-Jew is because of *chasnus*, but the structure of the *takanah* is that all bread baked by non-Jews is forbidden, and at this point we must follow the structure of the *takanah* even if the reason no longer applies. Just like we say that the bread of a priest or other person without children is forbidden, so too the bread of an "akum" whose daughter is Jewish should also be forbidden.
- *Avnei Nezer* (YD 92) says another reason to forbid the bread of a *mumar* is that it is reasonable to assume that the *mumar's* daughter will follow in his footsteps such that it will be forbidden to marry her, so in fact there is an "issur *chasnus*"!
- ו) Some of the proofs that the bread of a *mumar* is forbidden are from:
- *Shulchan Aruch* 124:8 says that the wine of a *mumar* may not be drunk (but is not *assur b'hana'ah*), and since we know that wine of a non-עובד ע"ז is only forbidden because of *chasnus*, that proves that a *mumar* is considered an *akum* as relates to *issurim* relating to *chasnus* (*Avnei Nezer*). In fact, they note that *Ran* (*Chullin* 4b) makes exactly this point as relates to *stam yayin*, that even though the *gezairah* is because of *chasnus* and you are permitted to marry the *mumar's* daughter, still we say *lo plug*. Rav Belsky argued back that that is a special *chumrah* for *stam yayin*, and in fact it appears that *Iggeros Moshe* YD 1:45-6 has the same approach.

- *Pri Megadim* SD 112:2 (cited above regarding non-Jews who do not serve *Avodah Zara*) also seems to say that a *mumar's* bread would be forbidden. Of course, it is not so intellectually honest to cite this proof without mentioning that he is commenting on *Shach* 112:2 (cited above) who seems to indicate that even the bread of certain non-Jews (who do not serve *Avodah Zara*) would be permitted.

r) In the more contemporary *Poskim*:

- *Chazon Ish* (YD 2:22 end), *Minchas Yitzchok* (III:74:14 citing many others), and Rav Schachter are *machmir*.
- *Iggeros Moshe* (YD I:45-46) and Rav Belsky (in his name) are *maikel*.

## Related Issues

n) However, the issue is not yet resolved...for two opposing reasons:

- The widely cited *Binyan Tzion*, and *Chazon Ish* (beginning of YD) who say that someone raised in a non-religious home/environment is treated as a *tinok shenishbah* and not as a *mumar*.
  - From a different perspective, we traditionally consider someone a *mumar* if they are *mechallel Shabbos* in public, and we all understand that if he is only *mechallel Shabbos* in private then he is not considered a *mumar*.
  - Rav Schachter took this a step further, noting that the reason *chillul Shabbos* is the barometer is because that is an *issur* that everyone is familiar with, and someone who violates it in public is showing he has no interest in being part of the Jewish community. Therefore, (the person who is *mechallel Shabbos* in private is not a *mumar* and) the true barometer is whether the person violates prohibitions which he is aware of and – to him – are considered “principles” of being Jewish. Accordingly, a person who grew up thinking that being Jewish only involves going to *Shul* 3 times a year, may not be a *mumar* for being *mechallel Shabbos* in public.
- However, from a completely different angle, Rav Belsky said that this entire discussion is almost completely moot. We have been discussing whether a *mumar's* bread is or is not forbidden, but everyone agrees that he cannot be trusted on *kashrus* issues.
  - Therefore, in a plant setting, it is obvious that one cannot rely on the *mumar* – or even the *tinok shenishbah* non-religious Jew – to light

the fire etc., because he has no *ne'emanus* to follow those halachic instructions.

- However, the question may be somewhat relevant in a home setting for someone who wants to let their *mumar* housekeeper do cooking, where it is obvious that she in fact did the cooking and the question is just whether it is *pas* or *bishul akum*. However, this brings up a broader question, that the *mumar* cannot be left alone with your *keilim* or food (and surely not your children!), as is discussed in YD 118, for fear that she will cook non-kosher or *basar b'chalav*. So, it turns out that the question might only be relevant if the *mumar* is cooking while you are in the house or are *yotzeh v'nichnas* such that these latter concerns are not relevant.

